

WARNER NORCROSS & JUDD LLP

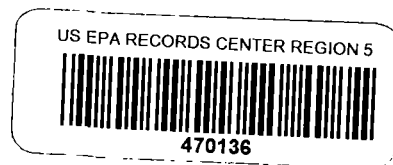
ATTORNEYS AT LAW

900 OLD KENT BUILDING
111 LYON STREET, N.W.
GRAND RAPIDS, MICHIGAN 49503-2487

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MELVIN G. MOSELEY, JR.

(616) 752-2177
moselemg@wnj.com



April 20, 1998

Mr. Michael L. Caldwell
Fink Zausmer, P.C.
31700 Middlebelt #150
Farmington Hills, MI 48334

Re: **United States of America v. City of Albion et al**

Dear Mr. Caldwell:

This letter confirms our telephone conference of April 17, 1998 in which we agreed that the deposition of Bernard Konkle and his required production of documents pursuant to subpoena will take place on May 7, 1998 at the offices of Philip M. Moilanen in the City of Jackson. We will start the deposition at 9:00 a.m. Enclosed find an amended Notice of Deposition confirming this deposition date.

Very truly yours,

Melvin G. Moseley, Jr.

MGM/dll

Enc.

cc: Francis J. Biros
Charles M. Denton
Philip M. Moilanen
Kathleen Schnieders

RECEIVED

APR 27 1998

**U.S. EPA, Region 5
Office of Regional Counsel**

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,
Plaintiff,

Case No.: 1:97-CV-1037

v.

Hon. David W. McKeague

PROOF OF SERVICE

CITY OF ALBION, MICHIGAN,
Defendant/Third-Party Plaintiff,

v.

COOPER INDUSTRIES, INC., and
CORNING INCORPORATED,
Third-Party Defendants, Counterclaimants
and Third-Party Plaintiffs.

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

Deborah L. Little, being first duly sworn states that she is a secretary for Warner Norcross & Judd LLP and that on the 20th day of April, 1998, she served an Amended Notice of Deposition with Subpoena on the following:

Francis J. Biros
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

Kathleen Schnieders
77 W. Jackson Mail Code C14
Chicago, IL 60606

Philip M. Moilanen
Bullen Moilanen Klaasen & Swan PC
402 S. Brown St.
Jackson, MI 49203-1426

Charles M. Denton (P33269)
Varnum, Riddering, Schmidt & Howlett LLP
Bridgewater Place
P.O. Box 352
Grand Rapids, MI 49501-0352

Michael L. Caldwell
Fink Zausmer PC
31700 Middlebelt Rd. Ste 150
Farmington Hills MI 48334

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,
Plaintiff,

Case No.: 1:97-CV-1037

v.

Hon. David W. McKeague

CITY OF ALBION, MICHIGAN,
Defendant/Third-Party Plaintiff,

**AMENDED NOTICE OF
DEPOSITION**

v.

COOPER INDUSTRIES, INC., and
CORNING INCORPORATED,
Third-Party Defendants, Counterclaimants
and Third-Party Plaintiffs.

Francis J. Biros
Trial Attorney
Attorney for Plaintiff
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
(202)616-6552

Charles M. Denton (P33269)
Mark M. Davis (P43529)
Varnum, Riddering, Schmidt & Howlett LLP
Attorneys for Defendant/Third-Party Plaintiff
City of Albion
Bridgewater Place
P.O. Box 352
Grand Rapids, MI 49501-0352
(616)336-6000

Eugene E. Smary (P26811)
Melvin G. Moseley, Jr. (P44297)
Daniel K. DeWitt (P51756)
Warner Norcross & Judd LLP
Attorneys for Third-Party Defendants/
Counterclaimants/Third-Party Plaintiffs
Cooper Industries, Inc. and Corning Incorporated
900 Old Kent Bldg.
111 Lyon St. NW
Grand Rapids, MI 49503
(616)752-2000

Alan D. Wasserman (P39509)
Michael L. Caldwell (P40554)
Fink Zausmer, P.C.
Attorneys for Third-Party Defendant
Decker Manufacturing Corporation
31700 Middlebelt Road, Ste 150
Farmington Hills, MI 48334
(248)851-4111

Philip M. Moilanen (P17874)
Bullen, Moilanen, Klaasen & Swan P.C.
Attorney for Third-Party Defendant
Decker Manufacturing Corporation
402 S. Brown St.
Jackson, MI 49203-1426
(517) 788-8500

Exit 138 (Hwy 127 North)
West Ave to Michigan Ave (RT)
To Brown, 2nd Light (L)
2nd Block on RT

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, the deposition of Bernard L. Konkle, will be taken before a certified court reporter on Thursday, May 7, 1998, 9:00 a.m. at the offices of Philip M. Moilanen, 402 S. Brown St., Jackson, Michigan 49203 and from time to time thereafter as the same may be continued until completed. Pursuant to the attached Subpoena Duces Tecum, Mr. Konkle is required to produce the documents listed on Attachment A to the Subpoena.

Dated: April 20, 1998



Eugene E. Smary
Melvin G. Moseley, Jr.

Daniel K. DeWitt

WARNER NORCROSS & JUDD LLP

Business Address:

900 Old Kent Building

111 Lyon St., N.W.

Grand Rapids, Michigan 49503

(616) 752-2000

Attorney for Third-Party Defendants,
Counterclaimants and Third-Party Plaintiffs
Cooper Industries, Inc. and
Corning Incorporated

United States District Court

WESTERN

DISTRICT OF

MICHIGAN

United States of America

City of Albion, Michigan
v.

Cooper Industries, Inc., and
Corning Incorporated,
v.

Decker Manufacturing Corporation.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 1:97-CV-1037

TC: Bernard L. Konkle
703 N. Clark St.
Albion, MI 49224

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

Warner Norcross & Judd LLP, 900 Old Kent Bldg., Grand Rapids, MI

April 7, 1998, 9:00 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Same as above. See Attachment A for list of documents

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Cooper Ind.,
Inc. and Corning, Inc.

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Melvin G. Moseley, Jr., Warner Norcross & Judd LLP
900 Old Kent Bldg., Grand Rapids, MI 49503 (616)752-2000

ATTACHMENT A

Documents to be produced:

1. Produce copies of all documents relating to Decker Manufacturing Corporation's ("Decker") disposal of any form of waste or other materials at the Sheridan Township Landfill "Superfund" Site in Calhoun County, Michigan ("Site").
2. Produce copies of all documents relating to communications between the United States Environmental Protection Agency ("U.S. EPA") and Decker relating to the Site.
3. Produce all contracts relating to disposal of Decker's waste or other materials at the Site.
4. Produce all waste manifests or other documents relating to Decker's disposal of waste or other materials at the Site.
5. Produce copies of all documents relating to the amount paid by Decker for disposal of its waste or other materials at the Site, including but not limited to bills, invoices, account statements, and canceled checks.
6. Produce all documents relating to hazardous substances or wastes used, stored, generated or otherwise present at Decker's facility or facilities located in the City of Albion or Sheridan Township.
7. Produce all documents relating to disposal of the hazardous substances or wastes used, stored, generated or otherwise present at Decker's facility or facilities in the City of Albion or Sheridan Township.

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By First Class U.S. Mail, postage pre-paid.

Deborah L. Little
Deborah L. Little

Subscribed and sworn to before me
this 20th day of April, 1998.

Janette M. Olexa

Janette M. Olexa

Notary Public, Kent County, MI

My commission expires: 08/06/2000

